

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF HAWAII

3 In the Matter)
4 of)
5 The Complaint of X-TREME)
6 PARASAIL, INC., a Hawaii corporation,)
7 regarding Motor Vessel, X-TREME,)CIVIL NO.
8 Official Number 1153017 for)CV04-00730 BMK
9 exoneration from or limitation of)
10 liability,)
11 Petitioner.)
12 _____
13
14

VIDEOTAPED DEPOSITION

15 OF JASON BERNDT
16
17 Taken on behalf of Claimants HEALY BARTLETT and
18 STEVE JAQUES, at the offices of Cronin, Fried, Sekiya,
19 Kekina & Fairbanks, 841 Bishop Street, Suite 600,
20 Honolulu, Hawaii, commencing at 10:10 a.m., Thursday,
21 August 25, 2005, pursuant to Notice.

22
23
24 BEFORE: ELSIE TERADA, CSR NO. 437
25 Certified Shorthand Reporter
RALPH ROSENBERG COURT REPORTERS

Page 38

1 the harbor, if the winds were right. If not, we had to
 2 go look for wind.
 3 Q Okay.
 4 A Sometimes we traveled really, really far,
 5 towards Diamond Head to get the wind.
 6 Q Okay.
 7 A Sometimes we went the opposite direction.
 8 Q So it varied, then?
 9 A Yes.
 10 Q Was there like a strength of wind that was
 11 needed for the flying operation, I mean, so much wind?
 12 A Not necessarily, but you had different size
 13 chutes. So if you had really strong wind, you used the
 14 high-wind chute. If you had no wind, you used the
 15 bigger chute. Diameters of the chute, 32, 35, 37.
 16 Q So the high-wind is smaller?
 17 A Smaller.
 18 Q Okay. Kind of like reefing a sail?
 19 A Exactly, yeah. Reduce it, shorten your sail,
 20 reefing it.
 21 Q Okay. And then after the final trip, your
 22 duties would be to, what, rinse the gear and stow it?
 23 A Rinse the gear, wash the boat, that kind of
 24 thing.
 25 Q Okay.

RALPH ROSENBERG COURT REPORTERS

Page 40

1 A Was I given any specific instructions?
 2 Q In other words, did like Greg or anybody else
 3 say here's where it's stowed, here's how you lay it
 4 out, this is what you look for, that kind of stuff?
 5 A Yes.
 6 Q Okay. You got all of that stuff, all of that
 7 instruction?
 8 A Yes.
 9 Q And from Greg?
 10 A From Greg. I got it from three different
 11 people. Every captain kind of had their way they liked
 12 to do it, and Greg basically told me, "This is the way
 13 I want it done." And that was to run each line, all 16
 14 lines, run them one by one, gather eight, gather eight,
 15 hang them over the flight, inflation rack, and then the
 16 chute would be ready to go.
 17 Q What size are those chute lines; do you
 18 happen to know? Like three-eighths, quarter?
 19 A Diameter of a pencil maybe. Little bit
 20 smaller than a pencil.
 21 Q Okay, and the type of line?
 22 A I really don't know.
 23 Q Was it synthetic?
 24 A Yeah. It's probably a fairly strong line.
 25 Those lines never broke. Those are really, really

RALPH ROSENBERG COURT REPORTERS

Page 39

1 A Basic everyday duties of a vessel.
 2 Q Deckhand?
 3 A Uh-huh. Yes.
 4 Q All right. Are there any other duties with
 5 this deckhand job that you can think of, that we
 6 haven't touched on, in sketching out the general
 7 workday?
 8 A Not that I know of.
 9 Q Okay. And was it always, except for your
 10 training day, yourself and one captain, so two crew
 11 members on a trip?
 12 A Correct.
 13 Q That was the standard?
 14 A Correct.
 15 Q Okay. Were you given any particular
 16 instruction on handling the chute lines or --
 17 MR. MONROE: Objection; vague and ambiguous.
 18 MR. McPHERSON: I wasn't finished with the
 19 question.
 20 MR. MONROE: Okay.
 21 Q (BY MR. McPHERSON): Let me try that one.
 22 Were you given any specific instruction on
 23 handling the chute lines in preparing to set them out?
 24 MR. MONROE: Same objection.
 25 Q (BY MR. McPHERSON): You can answer.

RALPH ROSENBERG COURT REPORTERS

Page 41

1 strong.
 2 Q The chute lines?
 3 A Yeah.
 4 Q Okay. The towline broke in this case, we
 5 know, of course, right?
 6 A Yes.
 7 Q Did it break any other times that you're
 8 aware of, the towline?
 9 MR. MONROE: Objection. Which towline? This one
 10 or other ones?
 11 THE WITNESS: That line that we had was brand new.
 12 Thirty days old.
 13 Q (BY MR. McPHERSON): The one that was
 14 involved in this case?
 15 A Yes.
 16 Q Okay. Had it broken prior to the day of the
 17 accident, to your knowledge?
 18 A The brand-new line, no.
 19 Q Okay. Any of the other towlines broken?
 20 A Once or twice before, yes.
 21 Q While passengers were in flight?
 22 A Yes.
 23 Q That was during the summer you worked --
 24 A Yes.
 25 Q Okay. So the way you did it, laying out the

RALPH ROSENBERG COURT REPORTERS

Page 42

1 chute lines, running them each, individually, and then
 2 eight and eight, laying over the -- did you call it
 3 sailing? What did you call it? The sailing --
 4 A Inflation rack.

5 Q Inflation rack, okay. That's the way Greg
 6 said he wanted it done?

7 A Yes.

8 Q Okay. The other captains wanted it
 9 differently?

10 A Well, they just had different methods of
 11 doing it. Basically the same thing, but just different
 12 methods.

13 Q Okay. How were they different, can you
 14 remember or describe?

15 A Not really. They'd have to have it in their
 16 hands to show you.

17 Q Okay, but the end result was the same?

18 A As long as the chute went up, that's all you
 19 wanted.

20 Q Okay.

21 A That was the main concern, to get the chute
 22 up without any tangles.

23 Q So how about handling the towline on the
 24 parasailing trips you took, were you given any
 25 instruction from Greg or anyone else on how to handle

RALPH ROSENBERG COURT REPORTERS

Page 43

1 the towline?

2 A There's nothing to handle. What do you mean
 3 by "handle"?

4 Q Well, we touched on the tying of the double
 5 bowlines, the captain does that, right?

6 A Uh-huh. Yes.

7 Q And doesn't it pay out and get retracted in?

8 A Correct.

9 Q By some apparatus?

10 A Correct.

11 Q That's mechanical, right? There's a
 12 hydraulic winch that does that?

13 A Correct.

14 Q Okay. Did you operate the hydraulic winch?

15 A That was the captain's duty.

16 Q Always the captain?

17 A That was all on the captain's.

18 Q To operate the towline winch as well as the
 19 vessel's engines?

20 A Correct.

21 Q All right. So you never did operate the
 22 towline winch?

23 A No.

24 Q Did you work with the towline winch gear in
 25 any way? I mean, it's below, right? It's below decks

RALPH ROSENBERG COURT REPORTERS

Page 44

1 where the winch spools; is that correct?

2 A Correct.

3 Q Did you ever have to work and do any
 4 maintenance or servicing on it?

5 A I changed bearings, greased it. I never
 6 really did it myself, but I watched Greg do it, I
 7 watched Jamie do it. I just wanted to learn how to do
 8 it.

9 Q Okay.

10 A The motor and all those gears were the
 11 captain's job.

12 Q And, actually, changing out the towline, were
 13 you ever involved in that, when one line --

14 A I changed that line out with Greg and Jamie.

15 Q Spooling it on?

16 A Yes.

17 Q During this last summer that you worked
 18 there, there was the towline involved in this case and
 19 then there was another, at least one other towline that
 20 I think you said parted once or twice.

21 A Correct.

22 Q So we're talking during the time you worked
 23 for the company last year, there were two towlines that
 24 you know of?

25 A Correct.

RALPH ROSENBERG COURT REPORTERS

Page 45

1 Q All right. Can you describe the towline that
 2 preceded the one involved in this case; what it was
 3 made of, its size?

4 A I don't understand the question.

5 Q Okay. Let's talk now about the towline that
 6 was replaced.

7 A The new line?

8 Q No, no.

9 A Old line?

10 Q The old line, yeah. The one that you said
 11 parted once or twice?

12 A Right.

13 Q Can you describe what it was made of, what
 14 the size was; can you recall?

15 A They call it Blue Steel or something. The
 16 same -- it was supposed to be the best rope on the
 17 market. It was quarter inch, maybe. Five-eighths of
 18 an inch thick.

19 Q Was it the same manufacturer as the line that
 20 was involved in this case?

21 A Yes.

22 Q Oh, okay. So they're both the same kinds?

23 A Blue Steel. Steel Blue.

24 Q It's like a blue line running through its
 25 weave?

RALPH ROSENBERG COURT REPORTERS

Page 46

1 A It's all blue.
 2 Q Oh, it's all blue?
 3 A Yeah.
 4 Q Okay. All right.
 5 A Blue Steel is what the name was.
 6 Q Okay. Were you present on the occasions when
 7 the old Blue Steel line parted, that you referred to
 8 before?
 9 A Yes.
 10 Q You think there were two?
 11 A Yes.
 12 Q Let's take them one at a time. Can you
 13 recall approximately when the first one was?
 14 A No. Within that time period.
 15 Q Last summer?
 16 A Yeah. Before August 19th.
 17 Q Okay. And sometime after late May or early
 18 June?
 19 A Uh-huh. Yes.
 20 Q Describe for us, if you could, what you saw,
 21 what happened when that occurred?
 22 A When the towlines parted?
 23 Q Yeah, the first time.
 24 A You can't really look around and figure out
 25 it's going to happen. Sometimes it just happens. Gust
 RALPH ROSENBERG COURT REPORTERS

Page 48

1 A Yes. And they went back up.
 2 Q Okay. And you're not sure if that was the
 3 first or second occasion, I gather?
 4 A I really don't know.
 5 Q Okay.
 6 A It's a pretty gradual fall. Jumping out of
 7 an airplane.
 8 Q With a parachute.
 9 A With a parachute, yeah.
 10 Q I gather they weren't hurt, then?
 11 A No.
 12 Q The second time, can you give us any estimate
 13 of where, in your summer with X-Treme, that fell?
 14 A I don't remember either of them, so.
 15 Q I'm sorry?
 16 A I can't remember if that was the first or
 17 second.
 18 Q That the two girls --
 19 A Yes.
 20 Q -- came down and then went back up?
 21 A I don't know if that was the first or second
 22 time, so --
 23 Q Right.
 24 A I can't say the second time. I don't know.
 25 Q Okay. That apart, though, I'm trying to see
 RALPH ROSENBERG COURT REPORTERS

Page 47

1 of wind, you hit a big swell. All kinds of factors in
 2 it.
 3 Q Okay. But there was a tandem pair sailing
 4 when it happened?
 5 A Yes.
 6 Q And were they -- well, let me back up a
 7 couple steps and ask you about the parasailing. I
 8 don't think we really went over it. Did they go up to
 9 a typical altitude when they --
 10 A Yes.
 11 Q -- when you sailed them?
 12 Okay. So there's a process of letting them
 13 up to altitude and then bringing them back down after?
 14 A Correct.
 15 Q Okay. In this first instance where the
 16 towline broke that you saw, where were they in that
 17 process? Were they at the top, going up or coming
 18 down; do you recall?
 19 A I can't recall.
 20 Q Okay. Do you remember the people that were
 21 flying, whether they were two men, two women, man or a
 22 woman?
 23 A I remember once there were two girls, and
 24 they really had a good time. They really enjoyed it.
 25 Q Even though the line broke?
 RALPH ROSENBERG COURT REPORTERS

Page 49

1 if we can place them in time, and I think you said you
 2 can't remember where it was prior to August 19 in time,
 3 for either of them; is that fair? You don't remember?
 4 A I don't remember, no.
 5 Q Okay. How about in terms of time elapsed
 6 between the two incidents, was it within a week, within
 7 a few days, maybe a month apart; can you recall?
 8 A I'd say a week.
 9 Q About a week?
 10 A Uh-huh. Yes.
 11 Q And can you remember any of the circumstances
 12 of the one, other than the two girls, that other one,
 13 whether they were two men, man and a woman?
 14 A It was a couple, I believe.
 15 Q A boyfriend-girlfriend thing?
 16 A I believe, yes.
 17 Q Okay. Or husband and wife, maybe?
 18 A Yes.
 19 Q Okay. And what happened -- well, first of
 20 all, do you remember where they were in the flying
 21 process? Were they going up, at the top, coming down,
 22 can you recall?
 23 A I believe, as I recall, they were coming
 24 down.
 25 Q They were on their way, winching in?
 RALPH ROSENBERG COURT REPORTERS

<p style="text-align: right;">Page 58</p> <p>1 A The X-Treme boat? Eight to nine trips. 2 Q Okay. And the other boat made some as well? 3 A Yes. 4 Q Okay. Do you know if the company keeps a 5 written note of how many people fly? 6 A I have nothing to do with that stuff. 7 Q So you don't know? 8 A All I do is I go to the boat, get my thing 9 ready to go and do my thing. I don't have any 10 paperwork to do with the company. 11 Q Okay. So maybe they do, maybe they don't. 12 You're just unaware? 13 A Correct. 14 Q Okay. Was there any problem with the towline 15 or the chute lines in the trips prior to the trip in 16 which the accident occurred that day, that you can 17 recollect? 18 A No. 19 MR. YEMPUKU: Wait, now, just so the questions and 20 answers are little more clear, I think you can ask it 21 again because he said if you can recollect, and he said 22 no. 23 MR. McPHERSON: Okay. 24 MR. YEMPUKU: You know what I'm saying? 25 MR. McPHERSON: Yeah.</p> <p style="text-align: center;">RALPH ROSENBERG COURT REPORTERS</p>	<p style="text-align: right;">Page 60</p> <p>1 Q And who tied the towline to it? 2 A The captain always tie the towline. 3 Q And he did that day? 4 A Yes. 5 Q And that's Captain Jamie? 6 A Yes. 7 Q Okay. Can you remember what the weather 8 conditions were like that day? 9 A Nice day. Fairly regular, moderate winds. 10 Ten, 15-mile-an-hour winds. 11 Q Trade? 12 A Trades, yeah. 13 Q How about seas? 14 A Two feet, less than two feet. 15 Q So no summer swell? 16 A No. 17 Q And was that the same throughout the day, up 18 until the time the passengers for the accident voyage 19 arrived? In other words, the weather was the same all 20 day? 21 A Yes. 22 Q All right. Okay. Who was running the other 23 boat that day; do you recall? 24 A I'm not sure. 25 Q Did you see Greg around that day? Greg</p> <p style="text-align: center;">RALPH ROSENBERG COURT REPORTERS</p>
<p style="text-align: right;">Page 59</p> <p>1 Q (BY MR. McPHERSON): So, let me ask you a 2 different question, Jason. 3 To your knowledge, were there any problems 4 with the towline or the chute lines prior to the trip 5 in which the accident occurred that day? 6 A What do you mean by that? More clear on 7 that. 8 Q Do you have any understanding from any source 9 about any problem with the chute lines or the towline 10 on the day of the accident? 11 A That day? 12 Q Prior to the trip in which the accident 13 occurred. 14 A That day was just normal day. Everything 15 worked out as it usually did. 16 Q No problem with any of the lines up until the 17 time the towline broke? 18 A The only thing that happened was I pulled the 19 chutes inside out. 20 Q The Orange Blast that you mentioned? 21 A Right. 22 Q And you put that one away? 23 A Yeah. Instead of wasting time trying to 24 untangle it, stowed it away, pulled a brand-new one out 25 and set it up.</p> <p style="text-align: center;">RALPH ROSENBERG COURT REPORTERS</p>	<p style="text-align: right;">Page 61</p> <p>1 Longnecker? 2 A Yes, I did. But I'm not sure if he was 3 running that boat. 4 Q You saw him on the dock, or did he come 5 aboard the X-Treme? 6 A He was in and out, like every day. It's his 7 company. He shows up, takes a look, does his business. 8 Q Takes a look at the boat you mean? 9 A Takes a look at what's going on. 10 Q Including the boat? 11 A Sure. 12 Q Of course, yeah? All right. 13 Let's -- as Mr. Monroe was pointing out to 14 you, your statement has some detail about the day of 15 the accident there that's in front of you, the one we 16 marked as Exhibit 1. Why don't we take a look at that 17 document first and go over it a little bit. You had a 18 chance to read it here? 19 A Yeah. 20 Q You read it, preparing to come here today, 21 right? 22 A Uh-huh. Yes. 23 Q Okay. Did someone help you to prepare this 24 statement? 25 A This is my statement, but I was with Attorney RALPH ROSENBERG COURT REPORTERS</p>

<p>1 that left at 1640 or thereabouts?</p> <p>2 A Correct.</p> <p>3 Q Okay. And then you put out the X-Treme sail,</p> <p>4 the red-and-white one?</p> <p>5 A Correct.</p> <p>6 Q Or chute, I guess I should say. Call it</p> <p>7 chute or sail, or both?</p> <p>8 A Doesn't matter.</p> <p>9 Q Okay. And then what happened after that?</p> <p>10 A After --</p> <p>11 MR. YEMPUKU: Vague and ambiguous.</p> <p>12 MR. McPHERSON: Are you going to object, or is he?</p> <p>13 MR. YEMPUKU: I just want to get it moving along.</p> <p>14 I just want to get it moving along, that's all.</p> <p>15 MR. MONROE: Roy just can't contain himself</p> <p>16 sometimes, but that's okay.</p> <p>17 MR. McPHERSON: I've been double-teamed before,</p> <p>18 it's okay.</p> <p>19 MR. MONROE: No, we're not double-teaming you.</p> <p>20 MR. McPHERSON: I know. I'm just kidding. Let's</p> <p>21 go on.</p> <p>22 MR. MONROE: All right.</p> <p>23 MR. McPHERSON: Roy wants to get this done, so</p> <p>24 does everybody else. Okay.</p> <p>25 Q (BY MR. McPHERSON): Your statement, Jason,</p> <p>RALPH ROSENBERG COURT REPORTERS</p>	<p>Page 74</p> <p>1 people that came down from previously flight, I was</p> <p>2 putting them up front, so there's nothing on the deck,</p> <p>3 people to trip over. So the last of the people come</p> <p>4 in, just get them on the deck and we head back home.</p> <p>5 Q Okay. So they don't have to wear lifejackets</p> <p>6 unless they're going to fly?</p> <p>7 A Correct.</p> <p>8 Q Okay. So that's what you believe you were</p> <p>9 doing while the last couple --</p> <p>10 A That's what I was doing.</p> <p>11 Q And was that couple of minutes, three, four</p> <p>12 minutes?</p> <p>13 A Couple of minutes, two minutes.</p> <p>14 Q Okay. It says after you were finished</p> <p>15 straightening the gear, you were sitting on the stairs</p> <p>16 when you heard the towline part. What stairs are</p> <p>17 those, particularly?</p> <p>18 A Stairs leading up to the flight deck.</p> <p>19 Q Would you have been facing -- sitting, facing</p> <p>20 stern or forward?</p> <p>21 A Forward.</p> <p>22 Q Okay. So you were facing away from the</p> <p>23 fliers and you heard it?</p> <p>24 A Correct.</p> <p>25 Q Like a pop or snap or something?</p> <p>RALPH ROSENBERG COURT REPORTERS</p>
<p>Page 75</p> <p>1 says that "The first five couples on that trip were</p> <p>2 flown without incident." You see that, in the second</p> <p>3 paragraph?</p> <p>4 A Correct.</p> <p>5 Q Is that consistent with your recollection, as</p> <p>6 you sit here?</p> <p>7 A Correct.</p> <p>8 Q Can you remember those flights? I mean, do</p> <p>9 you have any actual memory of it?</p> <p>10 A No.</p> <p>11 Q Not really?</p> <p>12 A Uh-huh. No.</p> <p>13 Q Okay. As far as you know, this statement is</p> <p>14 accurate still?</p> <p>15 A This statement?</p> <p>16 Q Yeah.</p> <p>17 A Yes.</p> <p>18 Q Okay. All right. It says after the last</p> <p>19 couple that lifted off, you spent some time cleaning up</p> <p>20 and stowing the gear in preparation for the trip back</p> <p>21 to Kewalo.</p> <p>22 A Correct.</p> <p>23 Q Okay. What gear would that have been that</p> <p>24 you had been stowing?</p> <p>25 A Taking lifejackets and harnesses off the</p> <p>RALPH ROSENBERG COURT REPORTERS</p>	<p>Page 77</p> <p>1 A Correct.</p> <p>2 Q Okay. And you knew what it was?</p> <p>3 A Yes.</p> <p>4 Q Okay. And your statement says when you</p> <p>5 looked up at the chute, you saw the passengers swing</p> <p>6 forward, back and descend to the ocean. Can you try to</p> <p>7 describe more particularly, more specifically, what did</p> <p>8 you mean swing forward?</p> <p>9 A When the line parted, I heard the noise, I</p> <p>10 looked back, and it was kind of like a rubber band.</p> <p>11 When that line snapped, we have a little jerk and it's</p> <p>12 like a swing (indicating).</p> <p>13 Q Okay. How far -- let me put it this way.</p> <p>14 Where were the two fliers in relation to the going up</p> <p>15 top of the ride or coming down; can you recall?</p> <p>16 A They're about 50 feet off the water.</p> <p>17 Q So still going up?</p> <p>18 A I don't remember.</p> <p>19 Q How high is the height, typically, when</p> <p>20 they're at the height of the ride? Above 50 feet?</p> <p>21 A Yeah. About 300 feet, I believe. It</p> <p>22 depends. There's different packages for different</p> <p>23 people.</p> <p>24 Q What do you mean?</p> <p>25 A We have a regular, deluxe, and extreme.</p> <p>RALPH ROSENBERG COURT REPORTERS</p>

Page 90

1 A I don't remember. We just talked about it.
 2 Q You don't remember any of the conversation?
 3 A No.
 4 Q Do you know when that conversation took
 5 place?
 6 A No.
 7 Q Did you talk with him once or more than once?
 8 A Once.
 9 Q Did you ever talk about it with Jamie?
 10 A Yes.
 11 Q Do you remember any of that conversation?
 12 A No, not really.
 13 Q One or more than one conversation?
 14 A I kind of lived with him for a while.
 15 Q Oh, you were roommates?
 16 A Yeah.
 17 Q Okay. So more than one conversation?
 18 A Yes.
 19 Q Did he stay with the company or did he leave,
 20 too, after this?
 21 A He left, too.
 22 Q Same day?
 23 A I'm not sure.
 24 Q Do you know why he left?
 25 A No.

RALPH ROSENBERG COURT REPORTERS

Page 92

1 don't mean to interrupt, but you keep saying "the
 2 bitter end." Is that like --
 3 THE WITNESS: Snap deck.
 4 MR. MCPHERSON: The very end.
 5 MR. YEMPUKU: Oh, okay. I thought maybe it was
 6 like some bitter end, you know, the ending was bitter
 7 or something.
 8 MR. MONROE: Quit fooling around with Howard.
 9 MR. MCPHERSON: He's trying to distract me.
 10 MR. YEMPUKU: The bitter end is the broken end,
 11 then?
 12 MR. MCPHERSON: Yeah, or the spliced end. It's
 13 just the end of the line.
 14 MR. YEMPUKU: Oh, it's just the end of the line?
 15 MR. MCPHERSON: Right.
 16 MR. YEMPUKU: Okay. I thought maybe because you
 17 were calling it bitter, that's something like it was
 18 the broken end or the --
 19 MR. MCPHERSON: The sour end?
 20 MR. YEMPUKU: All right.
 21 MR. MCPHERSON: All right.
 22 MR. MONROE: That's why I like Roy, because as
 23 local counsel, he's been my local counsel for 12,
 24 13 years, because he can just tie somebody into a knot
 25 so fast.

RALPH ROSENBERG COURT REPORTERS

Page 91

1 Q Pretty soon after, though?
 2 A I believe so.
 3 Q So, the captain reeled in the towline on the
 4 way back to picking up the two fliers that were in the
 5 water that day. We already went over that, right?
 6 A Right.
 7 Q Okay. So, their parted bitter end must have
 8 come up on deck?
 9 A Of the rope?
 10 Q Yeah.
 11 A Yes.
 12 Q Okay. And did it -- I've been on the boat
 13 once, I think, and I think like there's a roller?
 14 A Correct.
 15 Q Near the flight deck, right, or on the flight
 16 deck, right?
 17 A Correct.
 18 Q Okay. So -- and the captain brought in the
 19 towline would be winch control from the console, right?
 20 A Correct.
 21 Q Did he winch the parted bitter end all the
 22 way up to the roller or leave some of it hanging; do
 23 you recall?
 24 A I don't recall.
 25 MR. YEMPUKU: Excuse me. Excuse me, I'm sorry, I

Page 93

1 MR. YEMPUKU: No, I understand now. The end
 2 bitter end, it's not a pejorative term.
 3 MR. MCPHERSON: No, it's not pejorative.
 4 MR. YEMPUKU: All right.
 5 Q (BY MR. MCPHERSON): Okay. Jason, you can't
 6 recall whether he brought the bitter end up to the
 7 roller or left some of that bite?
 8 A I was more concerned about people in the
 9 water rather than the rope.
 10 Q Did you notice it, though, on the way back or
 11 before you left the boat, how it was left?
 12 A That was the last of my worries. That was
 13 the last what I was thinking about.
 14 Q And did you ever see that towline again after
 15 this day?
 16 A No.
 17 Q So the last look you remember having of it,
 18 it was still in the water as the boat was making the
 19 wide turn around to pick up the fliers?
 20 A Correct.
 21 Q All right. Do you know what became of it?
 22 A No.
 23 Q I just want to make sure I'm clear on a
 24 couple of things or I understood you correctly, Jason,
 25 after the towline broke, the Blue Steel towline broke,

RALPH ROSENBERG COURT REPORTERS

24 (Pages 90 to 93)

<p style="text-align: right;">Page 94</p> <p>1 the old one, there's couple of times that you observed 2 there was no procedure implemented, no discussion by 3 the company or anything, really, to address that 4 circumstance; do I have that right?</p> <p>5 A Not to my -- I was not involved in any of 6 those.</p> <p>7 Q You weren't informed or aware of anything 8 like that?</p> <p>9 A The captain and the owner of the company 10 usually discussed those things.</p> <p>11 Q Okay. And they didn't discuss it with you?</p> <p>12 A Whatever they said for me to do, I did it.</p> <p>13 Q Okay. But I just want to make sure, you're 14 not aware of anything having taken place in response to 15 those two incidences when the line broke before this 16 accident?</p> <p>17 A They cut back ropes, they re-spoiled ropes.</p> <p>18 Q But other than that, nothing that you are 19 aware of?</p> <p>20 A Nothing that I'm aware of.</p> <p>21 Q Okay. Did you ever see the two fliers again, 22 after they left the dock that day?</p> <p>23 A No.</p> <p>24 Q Did you ever speak with any of the other 25 passengers?</p>	<p style="text-align: right;">Page 96</p> <p>1 A Get him comfortable. 2 Q Okay. 3 A Calm him down. 4 Q But any ice or -- 5 A No. 6 Q Or no -- nothing to stop any bleeding or 7 anything like that? 8 A No. Put pressure on his head somewhat, very 9 lightly. 10 Q You did or someone else did? 11 A All did it. Put cloth on his head. 12 Q Okay. 13 A Stopped bleeding fairly quickly. 14 Q The statement also says just above, just 15 prior to the accident, it appears, "Jamie turned the 16 boat to tack downwind so we were closer to the entrance 17 to Kewalo Basin when the flight was over." 18 So I gather, then, it's not necessary to fly 19 the sails into the wind? 20 A No. 21 Q Okay. So you can go downwind, side-wind, 22 upwind, whatever? 23 A Yes. 24 Q Okay. How is the wind a factor, if at all, 25 in terms of the flying, other than choosing the size of</p>
<p style="text-align: right;">Page 95</p> <p>1 A No. 2 Q After the accident? 3 A No. 4 Q Your statement says you tended to both 5 passengers and rendered first aid, and you were trained 6 in first aid? 7 A Correct. 8 Q Part of your Coast Guard training, right? 9 A Correct. 10 Q Okay. Any particular kind of first aid that 11 was rendered that you can recall to either of them? 12 A The lady was okay. Nothing that I could see 13 was wrong with her, except she was very scared. 14 Q Yeah. 15 A The guy was also very scared. Just kind of 16 got him as comfortable as possible, talked to him, 17 tried to comfort him. 18 Q Did you say covered him? 19 A Covered him. 20 Q Like with a blanket? 21 A With jackets. 22 Q Oh, with jackets. To prevent shock? 23 A I don't know shock, but just to keep him 24 warm. 25 Q Oh, just keep him warm?</p>	<p style="text-align: right;">Page 97</p> <p>1 the sail? 2 A I don't understand your question. 3 Q Yeah. Let me try again. The wind direction 4 and speed, that's something that's taken into account. 5 A Right. 6 Q But why? 7 A Why is it taken into account? 8 Q Yeah. I mean, if the boat can go any 9 direction in relation to the wind, is there anything 10 besides the size of the sail that makes it worth 11 noting? 12 MR. MONROE: Objection; calls for an expert 13 opinion on the part of the witness. 14 THE WITNESS: You'd have to ask the captain that 15 question. 16 Q (BY MR. McPHERSON): Okay. As far as you 17 know, turning the boat to tack downwind, there was no 18 problem with that? 19 A No. 20 Q That was done routinely? 21 A That was done every day. 22 Q So, basically, he's turning back towards the 23 harbor? 24 A Correct. 25 Q And how far offshore? About half a mile</p>